

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS R. LAWRENCE,

Petitioner,

Case No. 06-12541

v.

Honorable Patrick J. Duggan

HELEN J. MARBERRY, et al.,

Respondents.

**OPINION AND ORDER DENYING THE
PETITION FOR WRIT OF HABEAS CORPUS**

This is a habeas case brought pursuant to 28 U.S.C. § 2241. Thomas R. Lawrence (“Petitioner”), a federal prisoner formerly confined at the Federal Correctional Institution in Milan, Michigan (“FCI-Milan”), is challenging a determination by the Federal Bureau of Prisons (“BOP”) concerning his eligibility for placement in a community corrections center (“CCC”).

On May 23, 2002, Petitioner was sentenced by the United States District Court for the District of Colorado to a seventy-two month term of imprisonment and three years’ supervised release for multiple counts of wire fraud, mail fraud, submitting false claims against the United States, and money laundering. The conviction was affirmed on appeal. *United States v. Lawrence*, 405 F. 3d 888 (10th Cir. 2005), *cert. den.* 126 S. Ct. 468 (2005), *reh. den.* 126 S. Ct. 1129 (2006). Petitioner has a projected release date of September 15, 2007.

In January 2006, petitioner filed an administrative remedy request with the warden

of FCI-Milan, in which he sought immediate placement in a CCC, or halfway house. The warden denied the request because BOP policy states that inmates are normally evaluated for CCC placement 11 to 13 months before their probable release date and Lawrence's placement would be considered at his May 2006 program review. Petitioner was also informed that he was not entitled to CCC placement until March 15, 2007. Petitioner's appeals to the regional director and the Central Office for Inmate Appeals were also denied. Petitioner's projected release date to CCC placement was March 15, 2007, six months before his prison sentence is set to expire.

Petitioner challenges the BOP's 2005 regulations, 28 C.F.R. § 570.20 *et seq.*, governing the placement of inmates in CCCs. Petitioner contends that the BOP has violated its statutory duty by using invalid regulations to categorically deny Petitioner placement in a CCC for greater than six months, without considering the factors set forth in 18 U.S.C. § 3621(b). In his petition, Petitioner asks the Court to declare the 2005 BOP regulations invalid and order BOP to immediately consider whether Petitioner is entitled to placement in a CCC according to the factors set forth in 18 U.S.C. § 3621(b).

While this case was pending, Petitioner was transferred to, and is currently residing in, a CCC in Denver, Colorado. Consequently, Petitioner's placement in a CCC renders his claims moot. Similarly, Petitioner's motion for a temporary restraining order and a preliminary injunction must also be denied as moot.

Accordingly,

IT IS ORDERED, that the petition for writ of habeas corpus is **DENIED AS**

MOOT.

IT IS FURTHER ORDERED, that Petitioner's motion for a preliminary injunction and temporary restraining order is **DENIED AS MOOT.**

s/Patrick J. Duggan
PATRICK J. DUGGAN
UNITED STATES DISTRICT COURT

Date: March 28, 2007

Copies to:
Thomas Lawrence
#06606-068
CCM Denver
Community Corrections Office
9595 W Quincy Ave.
Littleton, CO 80123

Patrick Gaedeke, A.U.S.A.